

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C(A) No. 1155 of 2015**

Devvrat S/o. Balram Padihari, aged about 16 years, Occupation – student, minor represented through Balram Padihari, S/o. Late Nityanand Padihari, aged about 55 years, R/o. Dharamjaigarh, Dharamjaigarh, District- Raigarh (C.G.)

----Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P.S. City Kotwali, Distt. Jagdalpur, Chhattisgarh.

---- Respondent

For Applicant	:-	Shri Ashish Gupta, Advocate.
For Respondent/State	:-	Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board**

27/11/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending her arrest in connection with Crime No. 286/2015, registered at Police Station City Dharamjaigarh District – Raigarh (C.G.) for offence punishable under Section 341,354,323/34 of IPC and section 8 of the Protection of Children from Sexual Offence Act and section 3(i)(xi) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

2. The prosecution story in brief is that the prosecutrix returning from her tuition class at that time applicant alongwith other the co-accused persons were tried to outrage her modesty in the name of caste, thereafter, an FIR has been lodged against the applicant and the other co-accused persons for the offence punishable under section under Section 341,354,323/34 of IPC and section 8 of the Protection of Children from Sexual Offence Act and section 3(i)(xi) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

3. Counsel for the applicant submits that the applicant is a juvenile and has been falsely implicated in this case. He against submits that the applicant has not committed any offence and caught the prosecutrix and tried to outrage her modesty as he was also minor.

4. Learned State counsel opposes the prayer for grant of bail.

5. Having gone through the case diary and perusal of the statement of the prosecutrix recorded under section 161 and 164 of Cr.P.C. she clearly makes out the case that the applicant has threatened her to take back the report, this Court is of the opinion that it is not a fit case where the applicant can be extended the benefit of anticipatory bail.

6. Accordingly, anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE